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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/817,689	06/13/1997	GUY NATHAN	871-31	8565

7590 01/29/2003

NIXON & VANDERHYE
1100 NORTH GLEBE ROAD
8TH FLOOR
ARLINGTON, VA 222014714

EXAMINER	
KOENIG, ANDREW Y	
ART UNIT	**PAPER NUMBER**
2611	17

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/817,689	NATHAN ET AL.	
	Examiner	Art Unit	
	Andrew Y Koenig	2611	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-10 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

The examiner left voice messages for Joseph Presta of record regarding the status of the case. Upon returning the message, the applicant indicated that no preliminary amendment has been filed.

Continued Prosecution Application

All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The claims 1-10 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

3. Claims 1-10 contain numerous instances of awkward wording and grammatical errors apparently as the result of translation, for example, "for among others" (pg. 16, ll. 3-4) and "base" (pg. 29, ll. 4). Applicant is advised to review and revise claims 1-10 for full compliance with 35 USC § 112 – second paragraph.

4. The following art rejections are applied to applicant's claims as best understood in light of the numerous problems under section 25 USC §112 – second paragraph.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,355,302 to Martin et al.

Regarding claim 1, Martin teaches a payment-based jukebox, containing a microprocessor as 121a in figure 1 (col. 5, ll. 42-44). As shown in figure 1, jukebox #1 has a microprocessor (121a) that is linked to the coin/bill detector (126), which reads on

the claimed payment device, and storage device (93) for storing audio and visual information (col. 5, ll. 8-15), a display (125), a digital audio reproduction device (126). Martin teaches a jukebox with a display; however, Martin fails to disclose a digital display. Official Notice is taken that a digital display is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by using a digital display in order to enhance the visual quality of the images. Martin is silent on the type of operating system (OS) used in the jukebox. Official Notice is taken that multitasking operating systems are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by incorporating a multitasking operating system in order to manage multiple tasks thereby maximizing the processing power of the microprocessor. Furthermore, video processing takes substantially more processing power than audio processing. It would have been obvious to assign the highest priority to video display. Accordingly, it would have been obvious to assign a second level priority to the audio task. Martin fails to explicitly disclose using buffers. However, buffers are an inherent characteristic to multi-tasking operating systems. Despite Martin failing to teach a scheduler, a scheduler is an inherent function of a multitask operating system.

Regarding claim 2, Martin teaches a modem (label 19 in figure 1); this is connected to a transmission link (col. 3, ll. 26-32). Martin fails to explicitly teach that the software will manage the telecommunication functions. Clearly, the operating system will control the telecommunications module. Managing telecommunications takes

substantially less processing power than audio; therefore, it would have been obvious to assign the telecommunication module a lower priority.

Regarding claim 3, Martin fails to teach a priority resolution module or a scheduling module. However, Official Notice is taken that the functions of a priority resolution module and a scheduling module is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by incorporating a priority resolution module in the multi-task environment in order to properly assign the correct priorities to the task thus providing a more robust design. As for the scheduling module, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by using a scheduling module in the multi-task environment in order to maximize the available resources for use by other tasks.

Regarding claim 4, Martin fails to teach temporary buffers. Official Notice is taken that temporary buffers are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by using temporary buffers in order to communicate between task levels and improve robustness.

Regarding claim 5, Martin fails to teach a "manager." Official Notice is taken that a manager is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by including a manager in order to handle any non-real time operations and maintain the system.

7. Claims 6-7 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,355,302 to Martin et al in view of U.S. Patent 5,481,509 to Knowles.

Regarding claim 6, Martin teaches a mass storage device for storing audiovisual information (col. 5, ll. 26-41), however Martin fails to show a hard drive. Knowles teaches using a hard drive to store audio and video information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by using a hard drive in order to easily swap the old hard drive with a new hard drive (col. 3, ll. 37-43). Official Notice is taken that storing an operating system on a hard drive is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by storing the operating system on the hard drive in order to obviating the need for a read-only-memory (ROM).

Regarding claim 7, Martin teaches a display (label 125, figure 1); however, Martin fails to teach a touch screen. Knowles teaches a touch screen and a video display (label 18, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by adding a touch screen and a video display as taught by Knowles in order to present the user with a menu including directions for operating the jukebox system (col. 4, ll. 7-11). Martin fails to show a control panel. Knowles teaches a control panel with at least control panels, see figure 5. Martin fails to show the first title selection panel. In figure 5, Knowles teaches the "touch the title of your choice" panel which reads on the first title selection panel to help customers find and select a desired title. Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Martin by incorporating instructions in order to further facilitate the user in selecting music. Martin fails to explicitly show a second management control panel. Clearly the function of the second management control panel is taught by Martin; the jukebox as disclosed would have a volume control. Martin teaches the use of a database in the central management system (label 11, figure 1), but fails to teach a database at the user location. Knowles teaches the use of a database in a jukebox (col. 7, ll. 16-22); scanning is an inherent characteristic of databases. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by using a database as taught by Knowles in order to scan for songs to simplify the searching process, thereby aiding the user in finding music. Martin fails to teach a fourth statistics panel, for statistical estimation. However, Knowles teaches storing statistical information regarding the played tracks (col. 7, ll. 16-22). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by gathering statistical information of the songs as taught by Knowles in order to pay royalties and obtain additional operator information.

8. Claims 8-9 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,355,302 to Martin et al in view of U.S. Patent 5,282,028 to Johnson et al.

Regarding claim 8, Martin fails to teach a remote control. Johnson teaches a remote control with a volume control (label 200, figure 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Martin by using a remote control with volume control in order to adjust the volume of the jukebox thereby giving more audio control to the user.

Regarding claim 9, Martin fails to teach storing "system operating parameters in a file," which is unable to be read by the user. Official Notice is taken that hiding system files is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by hiding system files in order to create a robust and secure system from abuse.

9. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,355,302 to Martin et al and U.S. Patent 5,282,028 to Johnson et al in view of U.S, Patent 5,481,509 to Knowles.

Regarding claim 10, Martin fails to teach fixing a price for a title. Official Notice that fixing a price for a title is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by charging a user for playing a song in order to maximize revenue. Martin fails to teach an inactivity delay before starting a visual promotion and an auxiliary source. Knowles teaches playing a commercial during a delay (label 182, figure 4C), which reads on a visual promotion and an auxiliary source (col. 7, ll. 34-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Martin by playing a commercial as taught by Knowles in order to keep the jukebox active.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600